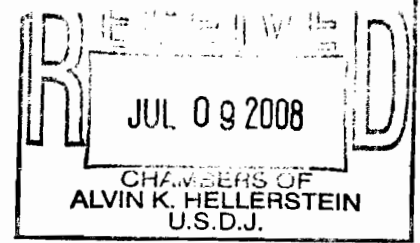


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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Bishop William B. Caractor,
Discovered Being Ministry, Incorporated

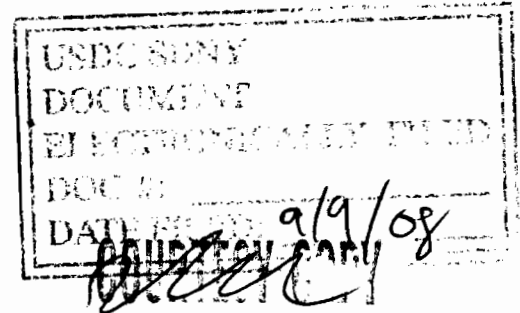
NOTICE OF MOTION

07civ08069(AKH)(JCF)

Plaintiff(s),

-against-

City of New York Department of Homeless Services
Robert Hess, Commissioner
Martin Niel, Chief of Staff
Ms. Molina, Executive Director
Ms. Melendez, Facility Director
(Jointly and severely)



Defendant(s).
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PLEASE TAKE NOTICE that, upon defendants' memorandum of law in support of their motion to dismiss, dated July 8, 2008 and all other pleadings and proceedings herein, defendants will move this Court at the United States Courthouse, for the Southern District Court of New York, located at 500 Pearl Street, New York, NY 10007, as soon as counsel may be heard for an order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure dismissing the complaint on the ground that it fails to state a claim upon which relief may be granted and granting such other relief as to this Court seems proper.

The motion is denied. Plaintiff has shown a cognizable claim and alleged facts that, if true, would support such a claim. Further pleadings and discovery are required to determine what circumstances, if any, could justify abridgment of Plaintiff's First Amendment rights, inside or outside of the shelter system.

Sept. 7, 2008

[Handwritten signature]